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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re CALEB J. et al., Persons Coming Under the
Juvenile Court Law.

FRESNO COUNTY DEPARTMENT OF
SOCIAL SERVICES,

Plaintiff and Respondent,

v.

DANIELLE R.,

Defendant and Appellant.

F070272

(Super. Ct. Nos. 14CEJ300167-1,
14CEJ300167-2, 14CEJ300167-3)

OPINION

THE COURT*

APPEAL from orders of the Superior Court of Fresno County. Mary Dolas,
Commissioner.

Conness A. Thompson, under appointment by the Court of Appeal, for Defendant
and Appellant.

Daniel C. Cederborg, County Counsel, and Amy K. Cobb, Deputy County
Counsel, for Plaintiff and Respondent.

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* Before Levy, Acting P.J., Gomes, J. and Peña, J.

Danielle R. appeals from the juvenile court's October 9, 2014 dispositional order removing her three minor sons, then four-year-old Caleb, 19-month-old K.B. and five-month-old C.R., from her custody. (Welf. & Inst. Code, § 361.)¹ She contends there is insufficient evidence reasonable efforts were made to prevent the children's removal. We dismiss the appeal as moot based on the following factual summary and discussion.

In June 2014, the Fresno County Department of Social Services filed a third amended dependency petition on the children's behalf seeking the juvenile court's intervention because of Danielle's substance abuse. The petition identified Jason as Caleb's father. At the time, Jason and Danielle had joint custody of Caleb. The petition identified Kenneth as K.B. and C.R.'s father. The petition included allegations as to Jason and Kenneth.

The juvenile court ordered the children detained and in August 2014, adjudged them its dependents. By the dispositional hearing in October 2014, Danielle was participating in outpatient drug treatment and individual therapy and testing negative for drugs. At the hearing, she argued for the return of the children to her custody with family maintenance services.

Following a contested dispositional hearing, the juvenile court found it would be detrimental to return the children to Danielle's custody and ordered them removed. The court ordered family reunification services for Danielle and Kenneth and set a six-month review hearing. The court ordered Caleb placed in Jason's custody with family maintenance services.

On April 23, 2015, while Danielle's appeal was pending before this court, the juvenile court conducted a family maintenance review hearing as to Caleb, terminated family maintenance services, granted Jason and Danielle joint legal and physical custody

¹ All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

with Jason having primary custody, and terminated dependency. On April 29, 2015, the juvenile court conducted a six-month review hearing as to K.B. and C.R. and returned them to Danielle's custody with family maintenance services.

In a letter dated June 10, 2015, this court notified the parties it proposed to take judicial notice of the April 2015 minute orders and dismiss the appeal as moot unless an objection was filed within the timeframe granted in the letter. The parties did not object.

We conclude Danielle's challenge to the juvenile court's order removing Caleb, K.B., and C.R. is moot and dismiss her appeal for the reasons we now explain.

The question of mootness in a dependency case should be decided on a case-by-case basis. (*In re Dani R.* (2001) 89 Cal.App.4th 402, 404-405.) It is the duty of this court ""to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it."" (*Eye Dog Foundation v. State Board of Guide Dogs for the Blind* (1967) 67 Cal.2d 536, 541.) When, pending an appeal from a trial court judgment, an event occurs that renders it impossible for the appellate court, even if it should decide the case in favor of appellant, to grant any effectual relief, the appellate court will not proceed to a formal judgment, but will dismiss the appeal. (*Ibid.*)

The juvenile court's April 29, 2015 order returning K.B. and C.R. to Danielle's custody with family maintenance services granted her the relief she sought on this appeal. Thus, there is no effective relief we might afford by reviewing the merits of her contentions as to K.B. and C.R. and the issue is moot as to them. Danielle's challenge to the removal order as to Caleb is also moot. When the juvenile court granted Danielle joint physical custody on April 23, 2015, it placed her back in the custodial position she was in before the juvenile court intervened and granted her more relief than she sought on this appeal. Consequently, we could not grant her any effectual relief even if we reviewed the merits of her contention as to Caleb and found in her favor.

Having concluded Danielle's challenge to the juvenile court's removal order is moot, we take judicial notice of the court's April 23, 2015 and April 29, 2015 orders. (Evid. Code, § 459.)

DISPOSITION

The appeal is dismissed.